8922946/2024/VIG-IV-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition and Excise Department - Allegations of Sexual Harassment against Sri N. Balakrishnan, Enforcement Superintendent, Special Enforcement Bureau, Guntur Division, Guntur – Placed under suspension – Set-aside the suspension orders by the Hon'ble High Court – Reinstated into service – Initiated disciplinary proceedings under Rule 20 of the A.P.Civil Services (CC&A) Rules, 1991- Articles of Charges - Orders dt:02.11.2021 of Hon'ble High Court of Andhra Pradesh in WP No.17438 of 2021 filed by Sri N. Balakrishnan – AoCs Cancelled – Orders – Issued – Request for drop further action and to treat the suspension period as on duty – Examined - Further action dropped against Sri N.Balakrishnan, Enforcement Superintendent SEB, Guntur (presently working as Assistant Commissioner, P&E (Vigilance), Ananthapuramu) and Regularization of suspension period of as on duty under FR 54-B (3) – Orders – Issued.

REVENUE (VIG-IV) DEPARTMENT

G.O.Rt.No.446 **Dated: 22.05.2024**

Read the following:-

1. From Sri N.Balakrishnan Enforcement Superintendent representation Dated 01.10.2020.
2. Government Memo No. REV01-CPE0CPEV(DISC)/16/2020-VIG-IV Dated 12-10-2020.
3. G.O.Rt.No.1567 General Administration (SEB.I) Department, Dated 12.10.2020.
4. From Sri N.Balakrishnan, Enforcement Superintendent representation Dated 19.10.2020.
5. Government Memo No. REV01-CPE0CPEV(DISC)/16/2020-VIG-IV Dated:06-11-2020.
6. From Commissioner of P&E, File No.REV04-11030/30/2020-A SEC-COPE, dt.21.11.2020.
7. Orders dated 23.03.2021 of Hon'ble High Court in W.P.No.24885 of 2020 filed by Sri N.Balakrishnan, Enforcement Superintendent.
8. G.O.Rt.No.952, General Administration (SEB-II) Department, Dated 19.05.2021.
9. G.O.Rt.No.1275, General Administration (SEB-II) Department, Dated 04.08.2021.
10. Orders dated 02.11.2021 of Hon'ble High Court in W.P.No.17438 of 2021 filed by Sri N.Balakrishnan, Enforcement Superintendent.
11. G.O.Rt.No.683 General Administration (SEB-II) Department, Dated 20.04.2022.
12. From Sri N.Balakrishnan, Assistant Commissioner of P&E working as District Special Enforcement Officer, Special Enforcement Bureau, Anakapalli District (the then Enforcement Superintendent, SEB, Guntur) representation dated 30.01.2024.
13. Letter Rc.No.969/2020/A1, Dated 12.01.2021 of Dy.Commr, P&E, Guntur.

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ORDER:

Whereas, it has been brought to the notice of the Government that the allegations of sexual harassment were made against Sri N. Balakrishnan, while working as Enforcement Superintendent, SEB.Guntur.

(PTO)

2. In the reference 1st read above, Sri N. Balakrishnan, Superintendent, Special Enforcement Bureau has submitted a representation requesting a detailed inquiry into allegations of sexual harassment raised against him. Consequently, in the reference 2nd read above, while furnish a copy of representation to the Commissioner of Prohibition and Excise, Andhra Pradesh, he has been requested to conduct a detailed inquiry and furnish report.

3. And whereas, in the reference 3rd read above, the General Administration (SEB.I) Department have issued orders placing Sri N.Balakrishnan, Enforcement Superintendent, SEB, Guntur under suspension on the allegations of sexual harassment pending enquiry/disciplinary action.

4. In the reference 4th read above, Sri N. Balakrishnan, Enforcement Superintendent (U/s), has submitted representation denying false allegations and requesting reinstatement into service. In the reference 5th read above, Government have reminded the Commissioner of Proh & Excise for report.

5. Whereas Sri N. Balakrishnan, Enforcement Superintendent, has filed Writ Petition No.24885 of 2020 against suspension orders in the High Court of Andhra Pradesh. In the reference 7th read above, the Hon'ble High Court has set aside the suspension orders of the individual. However, the Hon'ble High Court specified that this order will not preclude Respondent Nos.1 and 2 to take appropriate action against the petitioner, strictly adhering to the provisions of the Act and Rules framed therein, coupled with APCS (CCA) Rules.

6. In the reference 8th read above Sri N.Balakrishnan, Enforcement Superintendent had been reinstated into service.

7. Whereas in the reference 9th read above, the General Administration (SEB-II) Department have initiated disciplinary proceedings by framing Articles of charges against Sri N.Balakrishnan, ES as per APCS (CC&A) Rules, 1991. Sri N. Balakrishnan, Enforcement Superintendent, Special Enforcement Bureau, A.P., Vijayawada has fled W.P.No.17438 of 2021 against charge memo in the Hon'ble High Court. In the reference 10th read above, the Hon'ble High Court in its orders dated 02.11.2021, partially allowed the writ petition and specified that the order passed by the learned single Judge in W.P.No.24885 of 2020 does not preclude the holding of the enquiry against the petitioner. However, it is held that the charge memo issued by the 2nd respondent General Administration (SEB-II) Department is not valid in law.

8. And whereas in the ref 11th read above the General Administration (SEB-II) Department have issued orders cancelling the Articles of charges framed against Sri N.Balakrishnan, Enforcement Supdt.

9. In the reference 12th read above Sri N.Balakrishnan, AC, P&E working as District Special Enforcement Officer, P&E, Special Enforcement Bureau, Anakapalli District has submitted representation requesting to consider all the facts affirmed in his representation and keeping in view the Judgment in W.P.No.24885 of 2020 of the Hon'ble High Court of AP, to drop all further action against him and regularize his suspension period from 16.10.2020 to 19.05.2021 as "On Duty" under FR.54 B (3) for all purposes.

(PTO)

10. Whereas the Deputy Commissioner of the P&E Department, Guntur, has conducted an inquiry based on the Government Memo issued in the reference 2nd read above and the Deputy Commissioner has determined that the contents presented by Sri N. Balakrishnan, Enforcement Superintendent, are genuine, suggesting the allegations may have been falsely imposed.

11. After careful examining the matter, Government have decided to drop further action against Sri N.Balakrishnan, Enforcement Superintendent, SEB, Guntur and to treat the suspension period as 'On Duty'.

12. Accordingly, Government hereby dropped further action against Sri N.Balakrishnan, Enforcement Superintendent, SEB, Guntur (presently working as Assistant Commissioner, P&E (Vigilance), Ananthapuramu) and the suspension period from 16.10.2020 to 19.05.2021 shall be regularized as 'On Duty' for all purposes under FR.54 B (3).

13. The Commissioner of Proh.& Excise, A.P., Vijayawada shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri N.Balakrishnan, Enforcement Superintendent, SEB, Guntur (presently working as Assistant Commissioner, P&E (Vigilance), Ananthapuramu) through CPE, AP, Vijayawada.
The Commissioner of Prohibition and Excise, A.P., Vijayawada.
Copy to
The Genl. Admn. (SEB-II) Dept, A.P.Secretariat, Velgapudi.
The Revenue (Excise) Dept, A.P.Secretariat.
The Commr, SEB.
Sf/Sc

// FORWARDED:: BY ORDER//

SECTION OFFICER